

REMARKS

The office action of January 29, 2009, has been carefully considered.

It is noted that claims 5-9 are rejected under 35 U.S.C. 112, first paragraph.

Claims 5, 6 and 8 are rejected under 35 U.S.C. 103(a) over European Publication No. 0075448 to McKee in view of the patent to Petros et al.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) over McKee in view of the patent to Fries.

In view of the Examiner's rejections of the claims, applicant has amended claim 5.

It is respectfully submitted that the claims now on file contain subject matter which is sufficiently described in the specification so as to enable one skilled in the art to make and/or use the invention. The independent attachment of the blades of the lower blade pair is shown in the originally filed drawings

and is clear to those skilled in the art without further explanation.

In view of these considerations it is respectfully submitted that the rejection of claims 5-9 under 35 U.S.C. 112, first paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, McKee has been discussed at length in previously filed amendments and those are incorporated herein by reference.

The patent to Petros et al. discloses an apparatus for joining strip material. The Examiner combined Petros et al. with McKee in determining that claims 5, 6 and 8 would be unpatentable over such a combination. Applicant submits that this combination of references does not teach a crank shear construction in which each of the blades of the lower pair of blades is independently attached to the lower blade holder, as in the presently claimed invention. There is no incentive to have such an independent

attachment in McKee since it would complicate his construction. Thus there is no incentive to make such a modification and in turn the modification would not be obvious in light of increased complexity that would result.

Applicant therefore submits that the combination of references does not teach the features recited in claim 5 as amended.

In view of these considerations it is respectfully submitted that the rejection of claims 5, 6 and 8 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Fries only shows one knife pair. A combination of Fries and McKee does not teach the presently claimed invention for the reasons presented above.

In view of these considerations it is respectfully submitted that the rejection of claims 7 and 9 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.



Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By

Klaus P. Stoffel

Reg. No. 31,668

For: Friedrich Kueffner

Reg. No. 29,482

317 Madison Avenue, Suite 910

New York, New York 10017

(212) 986-3114

Dated: April 29, 2009

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on April 29, 2009.

By:

Klaus P. Stoffel

Date: April 29, 2009